

1 Ryan Danks
2 Steven Kramer
3 Seth Grossman
4 Rebecca Perlmutter
5 U.S. Department of Justice Antitrust Division
6 1401 H Street NW, Suite 4000
7 Washington, DC 20530
8 (202) 307-0001
9 Attorneys for the United States

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America and the State of
10 Arizona,

11 Plaintiffs,

12 v.

13 Arizona Hospital and Healthcare
14 Association and AzHHA Service
15 Corporation,

16 Defendants.

CASE NO. CV07-1030-PHX-JAT

**MEMORANDUM IN SUPPORT OF
MOTION FOR ENTRY OF
PROPOSED FINAL JUDGMENT**

16 **MEMORANDUM IN SUPPORT OF MOTION FOR**
17 **ENTRY OF PROPOSED FINAL JUDGMENT**

18 Pursuant to Section 2(e)-(f) of the Antitrust Procedures and Penalties Act ("the
19 APPA"), 15 U.S.C. §16(e)-(f), with the consent of the Defendants, the United States moves
20 for entry of the proposed Final Judgment in this civil antitrust action. The United States'
21 Certificate of Compliance, certifying that the parties have complied with all applicable
22 provisions of the APPA and that the waiting period imposed by the APPA has expired, is
23 being filed simultaneously with this Memorandum. The Competitive Impact Statement
24 (Dkt# 3) demonstrates that the proposed Final Judgment is in the public interest, and the
25 United States requests that the Court enter the Final Judgment after the Court determines
26 that its entry is in the public interest.

27 **I. The United States and the Defendants have complied with the APPA**

28 The APPA prescribes a sixty-day period for the submission of comments on the
proposed Final Judgment, following completion of the requisite publications. 15 U.S.C.
§16(b). The sixty-day comment period commenced on June 23, 2007, and ended on August

1 22, 2007. During this period, the United States received no comments on the proposed
2 Final Judgment.

3 As the Certificate of Compliance filed by the United States simultaneously with this
4 Memorandum demonstrates, the settling parties have completed all of the procedures
5 required by the APPA for entry of the proposed Final Judgment. It is now appropriate for
6 the Court to make the public interest determination required by 15 U.S.C. §16(e), and to
7 enter the Final Judgment. The Court will retain jurisdiction to construe, modify or enforce
8 the Final Judgment.

9 **II. The Proposed Final Judgment Satisfies the "Public Interest" Standard**

10 The United States incorporates by reference here its previously filed Competitive
11 Impact Statement (Dkt# 3) in which the United States explained how the proposed Final
12 Judgment effectively remedies the Defendants' violation alleged in the Complaint and
13 prevents its recurrence. The public, including affected competitors and customers, has had
14 an opportunity to comment on the proposed Final Judgment as required by statute. No
15 comments were received. There has been no showing that the proposed settlement,
16 embodied in the Final Judgment, constitutes an abuse of the Department of Justice's
17 discretion or that it is not consistent with the public interest, or is otherwise inadequate
18 under the applicable standard of review, as explained in pages 14-16 of the Competitive
19 Impact Statement.

20 **III. Conclusion**

21 For the reasons set forth in this Memorandum and in the Competitive Impact
22 Statement, the Court should find that the proposed Final Judgment is in the public interest.
23 Further, there is no just reason to delay the entry of the proposed Final Judgment.

24 Dated: September 7, 2007

25 /s/ Ryan Danks
26 RYAN DANKS
27 STEVEN KRAMER
28 SETH A. GROSSMAN
REBECCA PERLMUTTER

Litigation I Section
United States Department of Justice
Antitrust Division
1401 H Street NW, Suite 4000
Washington, DC 20530
(202) 307-0001
Attorneys for the United States

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 7, 2007, I electronically transmitted the
3 attached document to the Clerk's Office using the CM/ECF System for filing and
4 transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, and
5 further provided copies to the registrants via electronic mail:

6 Nancy Bonnell, Antitrust Unit Chief, ID #016382
7 Consumer Protection and Advocacy Section
8 Department of Law Building, Room #259
9 1275 West Washington Street
10 Phoenix, AZ 85007-2997
11 (602) 542-7728
12 Attorney for the State of Arizona

13 Andrew S. Gordon
14 Coppersmith Gordon Schermer & Brockelman PLC
15 2800 North Central Avenue, Suite 1000
16 Phoenix, AZ 85004
17 (602) 381-5460
18 Facsimile: (602) 224-6020
19 Attorney for the Defendants

20 /s/ Ryan Danks
21 Ryan Danks
22 United States Department of Justice
23 Antitrust Division
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